

**MINUTE SUMMARY OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
JULY 23, 2014
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Schroeder, Olsen, Kilberg, Lee, Carr, Platteter, Forrest, Staunton

Members absent from roll: Scherer, Halva

Chair Staunton requested that Agenda Item VII.D. be moved to before VII. A. and asked for a motion. Commissioner Platteter moved Agenda Item VII. D. before Agenda Item VII. A. Commissioner Olsen seconded the motion. All voted aye; motion carried.

III. APPROVAL OF MEETING AGENDA

Chair Staunton noted that Agenda Item VII. D. was continued to the next meeting of the Planning Commission on August 13, 2014 due to a glitch in the public hearing notices. City Attorney, Roger Knutson indicated that legally the City can proceed with the hearing; however, Planner Teague felt re-notification for the August 13, 2014, meeting using Hennepin County's mailing list was best.

Rev Eric Strand, Edina Community Lutheran Church thanked the Commission for their time adding he would return on August 13th.

Commissioner Platteter moved to continued agenda item VII. D. Rezoning Beacon Interfaith Housing to the August 13, 2014 meeting of the Edina Planning Commission. Commissioner Olsen seconded the motion. All voted aye; motion carried.

Commissioner Platteter moved approval of the meeting agenda as amended. Commissioner Carr seconded the motion. All voted aye; motion carried.

IV. ELECTION OF OFFICERS – Fill Secretary Vacancy

Commissioner Platteter moved to nominate Commissioner Carr as Secretary. Commissioner Lee seconded the motion. All vote aye; Carr appointed Secretary to the Edina Planning Commission.

V. APPROVAL OF CONSENT AGENDA

Commissioner Carr moved approval of the July 9, 2014, meeting minutes. Commissioner Platteter seconded the motion. All voted aye; motion carried.

VI. COMMUNITY COMMENT

Chair Staunton asked if anyone would like to speak; being none, Commissioner Platteter moved to close community comment. Commissioner Forrest seconded the motion. All voted aye; public comment closed.

VII. PUBLIC HEARINGS

A. Variance. Porter. 4206 Crocker, Edina, MN

Planner Presentation

Planner Rothstein informed the Commission Steve and Peggy Porter (the applicants) are requesting a 4.33 foot side yard setback variance to remodel their home and construct an attached garage 3 feet from the southern interior side property line.

Continuing, Rothstein explained that the subject property is approximately 67 feet in width and is 13,317 square feet in area. There is an existing single-family home on the property, and the applicant is requesting to remodel a portion of their existing home and complete an addition to add a two-car garage to the south side of their existing home, and convert the existing one-car garage into a living space.

There are three existing single-family homes abutting the north side lot line and one existing single-family home on the south lot, both facing Crocker Avenue (4212 Crocker Avenue). The home located on 4212 Crocker has a two-car garage on the south side of the home, and was built in 2006 with no variances.

Rothstein concluded that staff recommends that the Planning Commission deny the variance based on the following findings.

- I. The property with an addition that can comply with the setbacks is a reasonable use, and the request to deviate from the side yard is not necessary to make reasonable use of the property.

2. The home is appropriate in size and scale with the addition of a complying, detached garage, or a single or 1.5 car garage that complies with the setbacks.
3. There is not a practical difficulty in meeting the ordinance requirements due to the ability to locate an expanded garage in a conforming location.
4. There are not circumstances unique to the property that necessitates a variance to make reasonable use of the property.

Appearing for the Applicants

Steve and Peggy Porter, Applicants.

Discussion

Commissioner Carr noted that immediate neighbors appear to support the request as submitted. Staff agreed.

Applicant Presentation

Ms. Porter addressed the Commission and explained that she distributed their remodeling plans to neighbors, adding neighbors have indicated their full support for the project as submitted. Porter further added that practical difficulties do include aesthetics, and the addition as designed is aesthetically pleasing. Concluding, Porter said in her opinion their proposal enhances not only their property, it enhances the neighborhood.

Chair Staunton asked Ms. Porter if there are changes to the drainage pattern as the result of this project. Ms. Porter responded there should be no change to drainage patterns.

Commissioner Olsen asked Ms. Porter if a deck is proposed. Ms. Porter responded that no deck is proposed at this time; however, they are considering adding an at grade patio.

Commissioner Platteter asked if the large evergreen would be removed. Mr. Porter responded in the affirmative; adding their intent is to replace this tree with another to the middle of the yard.

Commissioner Lee asked the applicants if they ever considered a tandem garage. Mr. Porter responded that they did discuss tandem garages; however, agreed they were undesirable.

Public Hearing

Chair Stanton opened the public hearing.

The following spoke in support of the project as submitted.

Jay Podaly, 4212 Crocker Avenue, Edina, MN
Sue Gruidl, 4213 Crocker Avenue, Edina, MN

Discussion

Commissioner Carr stated that although many neighbors have expressed their support for the project she can't support it as submitted. Commissioner Lee added she is also having a difficult time in finding a reason(s) for support. She stated she was very happy to see this wasn't a tear down, noting she believes the proposal as submitted is an improvement; however she continues to struggle with the request because there are conforming solutions.

Commissioner Schroeder agreed that there are conforming solutions; however, a tandem garage does create a very long building wall, adding this isn't a teardown and what's proposed appears acceptable.

Motion

Commissioner Olsen moved to recommend approval of the requested variances based on findings 1) Existing location of home on lot, 2) two car garage facing street is reasonable, 3) lot is unique because of the three abutting properties to its north, 4) Engineer report; and 5) subject to the plans presented at the July 23rd meeting. Commissioner Platteter seconded the motion. Ayes, Olsen, Schroeder, Platteter, Forrest, Staunton. Nays, Lee and Carr. Motion carried 5-2.

B. Variance. Cates Fine Homes. 6816 Cheyenne Circle, Edina, MN

Planner Presentation

Planner Rothstein informed the Commission the subject property is approximately 150 feet in width and is 59,561 square feet (1.4 acres) in area. Approximately .8 acres of the lot is above the Ordinary High Water Level (OHW) of Indianhead Lake.

She explained that there are two existing single-family homes on the north and south lots, both facing the Cheyenne Circle cul-de-sac. The north lot has a front setback of 53 feet and a setback from the OHW of 31.7 feet. The lot to the south of the subject property is set back 55.7 feet from the front property line and is set 10 feet from the rear property line. Rothstein said at this time the property owner is requesting to demolish the existing single-family home, which currently does not meet the setback from the OHW, and build a new home.

Planner Rothstein concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

- The proposed use is permitted in the R-I Single Dwelling Unit District and complies with all the standards, with exception of the front yard setback (as determined by the average of the two adjacent homes).
- The home is appropriate in size and scale for the lot and the improvements will enhance the property.
- The property is subject to the OHW setback of 75 feet, and the property to the north does not meet that setback, allowing the home to set farther back toward Indianhead Lake (31.7 feet from OHW).
- The proposed home, as proposed, protects the lake and existing foliage by meeting the OWH setback of 75 feet.
- There is a practical difficulty in meeting the ordinance requirements and there are circumstances unique to the property due to an imposed front yard setback from adjacent homes that do not meet rear yard setbacks.
- The variance, if approved, will not alter the essential character of the neighborhood.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions: 1) Survey date stamped: July 9, 2014 and 2) Building plans and elevations date stamped: July 8, 2014

Appearing for Applicant

Jennifer Cates, Cates Fine Homes and Mike Huber, Architect.

Discussion

Commissioner Platteter noted their reference to the Watershed District and asked how far along they were in that process. Ms. Cates responded revised plans were submitted to the watershed district, adding they are still in discussions. Mr. Huber interjected that the goal of the drainage plan is to have zero runoff. He added there will be a cistern that would contain and filter water that will be used for irrigation.

Commissioner Lee complimented the applicants on their storm water management plan adding the design is super. Lee concluded she has no issue with the project as presented.

Public Hearing

Chair Staunton opened the public hearing; no one spoke to the issue. Commissioner Platteter moved to close the public hearing. Commissioner Lee seconded the motion. All voted aye; motion to close public hearing passed.

Motion

Commissioner Carr moved variance approval based on staff findings and subject to staff conditions including final approval from the 9-Mile Creek Watershed District. Commissioner Platteter seconded the motion. All voted aye; motion carried.

C. Rezoning, Comprehensive Plan Amendment & Variances. Frauenshuh. 5108 Edina Industrial Boulevard, Edina, MN

Planner Presentation

Planner Teague told the Commission Frauenshuh Commercial Real Estate is proposing to tear down the existing 12,199 square foot office building and build a new 10,000 square foot retail building that would include a drive-through. The property is located at 5108 Edina Industrial Boulevard, just west of Highway 100, and is located across the street from retail uses that are zoned PCD-2, Planned Commercial District. Retail uses to the south include the Shell Gas Station, Burger King, Dairy Queen, and a small retail strip center. North and east of the site are office/light industrial use. Teague explained to accommodate the request, the following would be required:

1. Preliminary Rezoning from POD-1, Planned Office District-1, to PCD-2, Planned Commercial District-2.
2. Preliminary Development Plan with consideration of Front Yard Setback Variances from 35 to 30 and 25 feet.
3. A Comprehensive Guide Plan Amendment from Office to Neighborhood Commercial.

Teague further noted this “preliminary” review is the first step of a two-step process of City review. Should these “preliminary” requests be approved by the City Council, the second step would be Final Rezoning to PCD-2 and Final Site Plan & Front Yard Setback Variances from 35 feet to 30 and 25 feet. The second step would again require review by both the Planning Commission and City Council. The proposed Comprehensive Guide Plan Amendment in this first step would be a final action.

Planner Teague stated staff recommends that the City Council approve the request for a Comprehensive Plan Amendments as follows:

- To re-guide 5108 Edina Industrial Boulevard from O, Office to NC, Neighborhood Commercial; and re-guide 5125, 5105, 5101 Edina Industrial Boulevard and 7700 Normandale Boulevard from I, Industrial to NC, Neighborhood Commercial.

Approval is subject to the following findings:

1. The proposed land uses are consistent with existing and proposed land uses in this area. The uses to the south exist today as neighborhood commercial uses. The proposed limited retail uses and PCD-2 zoning would complement and enhance this limited retail area.
2. The Comprehensive Plan Amendment for the properties to the south is really a housekeeping item, as it was mistakenly guided for industrial use.
3. Neighborhood Commercial is defined as small to moderate-scale commercial, serving primarily adjacent neighborhoods. Primary uses are retail and services, offices, studios, institutional use. Existing uses in this area include a gas station, limited retail and convenience food. All are permitted uses within the PCD-2 and PCD-4 Zoning Districts.
4. The proposal would meet the following Comprehensive Plan goals and policies:
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment.
 - b. Movement Patterns.
 - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
 - A Pedestrian-Friendly Environment.
 - c. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
 - d. Support and enhance commercial areas that serve the neighborhoods, the city, and the larger region.
 - e. Buildings should be placed in appropriate proximity to streets to create pedestrian scale.
5. The traffic study done by Wenck concludes that the existing roadways can support the proposed project.

Continuing, Teague further recommended that the City Council approve the Preliminary Rezoning from POD-I, Planned Office District to PCD-2, Planned Commercial District and Preliminary Development Plan to tear down the existing retail building at 5108 Edina Industrial Boulevard and build a 10,000 square foot retail building as proposed subject to the following findings:

- I. The proposed rezoning meets the criteria in Section 36-216, as noted on Pages 5 and 6 above, in regard to rezoning property. Subject to approval of the

Comprehensive Plan Amendment, the project would be consistent with the Comprehensive Plan. The project would not be detrimental to the surrounding properties; would not result in an overly intensive land use; would not result in undue traffic congestion or hazards; and with the exception of the setback variances would conform to all zoning ordinance requirements.

2. The proposed land uses are consistent with existing and proposed land uses in this area. The uses to the south exist today as neighborhood commercial uses. The proposed limited retail uses and PCD-2 zoning would complement and enhance this limited retail area.

Approval is further subject to the following Conditions:

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated June 6, 2014.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Chapter 36 of the City Code.
3. The Final Lighting Plan must meet all minimum landscaping requirements per Chapter 36 of the City Code.
4. Compliance with all of the conditions outlined in the engineering memo dated July 15, 2014.
5. Approval of the requested Front Yard Setback Variances.

Appearing for the Applicant

Dave Anderson, Frauenshuh and Nick Sperides, Sperides Reiners Architects

Applicant Presentation

Mr. Anderson addressed the Commission and gave a brief run-through of the revisions to the plans since their last meeting with the Commission.

Discussion

Commissioner Platteter commented that the proposed sidewalk going north doesn't appear to connect, and wondered if there was a way to ensure there is a sidewalk connection north. Mr. Anderson responded that connection would be reviewed. Platteter said it makes sense to him to have a connection to the north so people in the offices to the north could walk to the site instead of driving.

Commissioner Platteter asked if the transformer would be screened. Mr. Sperides responded in the affirmative.

Commissioner Forrest asked Mr. Terhaar, Wenck & Associates if he found any issues with traffic flow. Mr. Terhaar responded that for the most part traffic flows well and will continue to work well. He acknowledged there are times when there is back up at left lane ramp; however it does clear rather quickly. Forrest asked if Terhaar believes

this “use” would generate more traffic than the present use. Terhaar responded in the affirmative, adding they believe there will be an increase during the PM peak hours.

Commissioner Carr complimented the applicant on their design changes and questioned what the proposed exterior stone looks like. Mr. Sperides explained at final review they will be presenting a material board that would better highlight the exterior materials and color scheme.

Commissioner Platteter asked if there is a bus stop in the area. Mr. Anderson responded in the affirmative; however, there is no bus shelter.

Commissioner Lee commented that it appears the site will be losing the existing green buffer zone.

Commissioner Schroeder said he has an issue with drainage noting off Metro Boulevard there is a low area along the sidewalk that could flood during a heavy rainfall. He added in his opinion it's not a good idea to have people walk to the building through a stream of water. Mr. Sperides agreed, adding he would review the engineering drawings and “take care” of any drainage issues.

Public Hearing

Chair Staunton opened the public hearing; no one was present. Commissioner Carr moved to close the public hearing. Commissioners Platteter seconded the motion. All voted aye; public hearing closed.

Discussion

Commissioner Kilberg commented that in his opinion the redevelopment of this site establishes a good precedent. He said with this proposal pedestrians are better served. Kilberg complimented the drive-through redesign, adding in his opinion it's much better than at sketch plan. Continuing, Kilberg stated he likes the rain garden feature. In conclusion, Kilberg said he likes the location of the building instead of having to view a sea of cars. Kilberg said he supports the proof of parking, the improvement to traffic flow and is in favor of the amendment to the Comprehensive Plan and the Preliminary Rezoning and Development Plan.

Chair Staunton asked Planner Teague if the amendment to the Comprehensive Plan should include the property to the east. Planner Teague said at this time it would be best to only focus on the subject site.

Commissioner Lee commented if the goal of the Commission is to bring new buildings up to the street the Commission should be clearer in what they mean when they suggest that an applicant “pull the building” up to the street. She stated the solution presented is good; however, engaging the street could be better defined. Continuing, Lee said she also likes to see boulevard trees and does have a concern that the existing

trees and green buffer would be lost with this redevelopment.

Chair Staunton said the intent of “pulling the building” up to the street was to engage the street.

Commissioner Schroeder explained that the direction from the Commission to relax the setback of the building from the front street was to create an engaging street front with patio spaces, etc. Schroeder said the Commission's goal was to achieve an active engaging pedestrian friendly experience at front building façades; however, at times achieving that goal was difficult because the applicant(s) may have certain restraints (safety).

Mr. Sperides said they would work toward creating more active patio areas.

A discussion ensued with Commissioners acknowledging that the corner of Edina Industrial Boulevard/Metro Boulevard is busy; and encouraged the applicant to add more vegetation in that area. The discussion continued focusing on the parking area and public space and ways to better achieve balance.

Commissioner Carr suggested that the applicant use pavers in the two patios and other areas because when viewing the site there appears to be a lot of concrete. Mr. Sperides responded that at this time the materials for the hard surface areas haven't been finalized; however, would keep in mind the use of pavers.

Motion

Commissioner Platteter moved to recommend a Comprehensive Guide Plan amendment based on staff findings and subject to staff conditions.

Commissioner Carr seconded the motion. All voted aye; motion carried.

Commissioner Platteter moved to recommend Preliminary Rezoning and Preliminary Development Plan with variances based on staff findings and subject to staff conditions. Commissioner Carr seconded the motion.

Commissioner Schroeder asked if the motion allows for movement flexibility along the north side of the building patio area. Commissioner Lee said she would also like to see additional landscaping added. Chair Staunton suggested adding their issues as an amendment to the motion.

Commissioner Schroeder moved to amend the motion to include as an additional condition a reapportionment of the public space on the north side to create more useable space on the south side. Commissioners Platteter and Carr accepted that amendment.

Commissioner Lee moved to amend the motion to include as an additional condition the addition of vegetation and trees on the boulevard area. Commissioners Platteter

and Carr accepted that motion subject to findings.

A brief discussion ensued with Mr. Anderson pointing out with regard to the request for additional plantings on the boulevard there is a concern that tenant identification and signage could be compromised. Commissioner Lee commented that with careful selection of plantings such as deciduous trees any impact should be minimal.

Chair Staunton called for the vote; all voted aye; preliminary rezoning and preliminary development plan approved 7-0.

VIII. REPORTS AND RECOMMENDATIONS

A. Zoning Ordinance Amendment – Front Yard Setback and First Floor I-foot rule for tear down and rebuild.

Planner Presentation

Planner Teague reminded the Commission that at their last meeting they discussed front yard setback and the one-foot rule for teardown and rebuild. Teague said in speaking with the city attorney he is recommending that the zoning ordinance regulations on these two items be revised. With graphics Teague highlighted proposed changes to the ordinance.

Continuing, Teague explained front setback reads “average the front street setback of the homes on either side”. He pointed out this does not account for a side street setback or an abutting lot with a front street setback that faces a different street. The intent of the one-foot rule was that the first level of the new home was to match or be no taller than one foot above the pedestrian entry of the existing split level. The ordinance did not define front entry so a garage could be considered a front entry. Additional, it did no account for multiple entries for a new home.

Chair Staunton noted much of the ordinance was written to address the east side and the traditional grid pattern, adding it’s extremely difficult in some areas of Edina like Indian Hills or Rolling Green where the lots are large and oddly formed to achieve a uniform front yard standard.

Planner Teague stated he agrees with that observation; however, Zoning Ordinance requirements are across the board. He explained the only way to remedy the problems that arise would be to establish different zoning districts within the R-I umbrella. Teague also said the new I-foot front yard rule has been difficult because split-level homes are not adequately addressed. Teague pointed out that the City doesn’t define front entry, adding there are areas of the code that are clearly defined in every instance.

Chair Staunton acknowledged the difficulty pointing out the City, with regard to the I-foot rule didn’t want residents to artificially raise the grade of the house. Teague

agreed.

Commissioner Forrest stated the ordinance changes proposed by Planner Teague are a great improvement; however, she questioned if it would be beneficial to provide illustrations interpreting the changes.

Commissioner Carr said it would really help her if she could see illustrations and asked Planner Teague to provide illustrations used by other cities to clarify ordinance requirements. She added as previously mentioned by Forrest visuals would be beneficial.

Chair Staunton asked Planner Teague to place these two topics back on the Planning Commission for their August 27th meeting.

B. Conflict of Interest/Bylaws

Planner Presentation

Planner Teague stated as a follow up to our previous discussions on Bylaws and conflict of interest he indicated that the city attorney has suggested the following:

SECTION 21. ETHICAL AND RESPECTFUL CONDUCT

(A) Conflict of Interest

Members may not use their position on the Planning Commission for personal benefit. The interests of the Planning Commission must be the first priority in all decisions and actions. Any member who has a financial interest in **or who is employed by a business that has a financial interest in,** or who may receive a financial benefit as a result of, any Planning Commission action, decision **or recommendation** must **promptly** disclose this fact as a conflict of interest. A member who has disclosed a conflict of interest should abstain from discussion and voting on the matter **and should sit in the audience when the matter comes before the Planning Commission.**

Discussion

Commissioner Schroeder stated he understands the need for conflict of interest language; however, he pointed out Edina is a small community and the question becomes at what point does it become financial gain or interest. Chair Staunton agreed adding financial interest is difficult to define, adding it's hard to make a blanket move. Schroeder agreed pointing out for those of us that work for large companies we may not even know if certain sectors of our company are working with or for the City.

Commissioner Carr said in her opinion the language as written is too restrictive. She suggested the Commission look at the guidelines written by the League of Women Voters. Continuing, Carr pointed out conflict isn't only financial there can be conflict if

the applicant is a relative, close friend or neighbor, adding that's where perception can play a part.

The discussion ensued with Commissioners acknowledging the difficulty in "tightening" the language. It was noted a conflict could be considered anything that prevents one from making an objective decision.

Chair Staunton said the Commission has had ongoing discussions on this topic, adding he likes the idea of a City Policy; however, the Commission could ask the Council to weigh in with their opinions.

It was further suggested that staff provide the Commission with the League of Cities policy and also circulate conflict of interest policies from other cities before a decision is made.

IX. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

X. CHAIR AND COMMISSION COMMENTS

Chair Staunton suggested that the Commission have a discussion on density. Staunton noted it appears the Commission doesn't really have an organized approach to density, adding it would also benefit the applicants by providing them with more guidance.

Commissioner agreed that that an educated approach to density needs to be developed.

Commissioner Forrest stated that the Wooddale/Valley View Small Area Plan is working well with a great group of volunteers. Forrest reported that next week the working group would be interviewing consultants. Commissioner Lee commented that their goal is to also have a community session sometime in September

XI. STAFF COMMENTS

Planner Teague reported that the City Council heard the Sketch Plan for 7200 France and indicated to the applicant that the project is too dense and too tall. Teague reported that the City received a large amount of e-mails on this sketch plan review.

Continuing, Teague reported that the Tree Ordinance is "still in the loop" for discussion on October 21, 2014.

Teague reminded Commissioners that there will be a work session before the next Commission meeting on August 27th. Teague said he believes the meeting will be at 5:30 in the Community Room. Topic of discussion building permits process.

XII. ADJOURNMENT

Commissioner Lee Moved adjournment at 10:30 PM. Commissioner Olsen seconded the motion. All voted aye; motion carried. Meeting adjourned at 10:30 pm.

Respectfully submitted